

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

v.

HUAWEI DEVICE CO., LTD., and  
HUAWEI DEVICE USA, INC.,

Defendants.

No. 19-CR-010

**DEFENDANTS' MOTION TO FILE  
AN OVER-LENGTH MOTION**

**NOTE ON MOTION CALENDAR:  
August 1, 2019**

Defendants Huawei Device Co, Ltd. ("Huawei China") and Huawei Device USA, Inc. ("Huawei USA") (collectively "Huawei"), through counsel, respectfully move this Court for leave to file an over-length Motion to Dismiss the Indictment for Selective Prosecution, Or in the Alternative, For Discovery, which it files today along with this motion. Specifically, Huawei requests a nine-page extension of the page limit so that it may file a 21-page motion.

This is Huawei's first request to file an over-length brief. All other pretrial motions and grand jury-related pleadings have complied with the 12-page limit. Leave is appropriate here because Huawei is required to make a "credible showing" that the Indictment is the result of unlawful selective prosecution. *United States v. Armstrong*, 517 U.S. 456, 465 (1996). The additional pages allow Huawei to make that evidentiary showing, and to place the current

prosecution more fully in the context of the government's broader political, economic, and legal offensive against Huawei and other Chinese companies and nationals.

### CONCLUSION

For the foregoing reasons, Huawei respectfully requests that the Court grant its motion to file an over-length Motion to Dismiss the Indictment for Selective Prosecution, Or in the Alternative, For Discovery.

Respectfully submitted,

Dated: August 1, 2019

#### YARMUTH LLP

By: s/ Robert Westinghouse

Robert Westinghouse, WSBA No. 6484  
1420 Fifth Avenue, Suite 1400  
Seattle, WA 98101  
Telephone: (206) 516-3800  
Fax: (206) 516-3888  
rwestinghouse@yarmuth.com

#### STEPTOE & JOHNSON LLP

James F. Hibey (*pro hac vice*)  
Brian M. Heberlig (*pro hac vice*)  
1330 Connecticut Avenue, NW  
Washington, DC 20036  
Telephone: (202) 429-3000  
Fax: (202) 429-3902  
jhibey@steptoe.com  
bheberlig@steptoe.com

*Attorneys for Huawei Device Co., Ltd., and  
Huawei Device USA, Inc.*

Yarmuth LLP

1420 Fifth Avenue, Suite 1400  
Seattle, Washington 98101  
phone 206.516.3800 fax 206.516.3888

**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**Attorneys for Government**

Todd Greenberg  
Thomas M. Woods  
Siddharth Velamoor  
U.S. Attorney's Office (Sea)  
700 Stewart Street, Suite 5220  
Seattle, WA 98101-1271  
Tel: 206.553.7970  
Todd.Greenberg4@usdoj.gov  
Thomas.Woods2@usdoj.gov  
Siddharth.Velamoor@usdoj.gov

DATED: August 1, 2019, at Seattle, Washington.

s/ Vassie Skoulis

Vassie Skoulis, Legal Assistant

**Yarmuth** LLP

1420 Fifth Avenue, Suite 1400  
Seattle, Washington 98101  
phone 206.516.3800 fax 206.516.3888

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*Defendants.*

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO FILE  
AND OVER-LENGTH BRIEF**

The Court has reviewed Defendants Huawei Device Co., Ltd.'s ("Huawei China"), and Huawei Device USA, Inc.'s ("Huawei USA") (collectively, "Huawei Device") Motion to File an Over-Length Brief.

The Motion is granted for the reasons stated by Huawei Device.

IT IS SO ORDERED.

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Chief Judge Ricardo S. Martinez